

A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL BE HELD IN THE THIRD FLOOR ASSEMBLY ROOM AT THE CITY/COUNTY BUILDING ON TUESDAY, APRIL 15, 2008 AT 10:00 A.M.

PRESENT: Matt Denison, Carl Malysz, Kay Garry, Police Chief Greg Crabtree, Code Enforcement Officer Pam Badger, Traffic Director Dennis Smith, Fire Chief Matt Juliot, Street Dept Director Mickey Thompson, City Clerk Marcey Wisman, Building Commissioner Ron Hartman, Flood control Director Ron Granger, David Hall, Animal control, Shane Gibson city Attorney

CALL TO ORDER:

Mr. Denison called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE:

NEW BUSINESS:

Item #1 - Insight Communications re: Solicitor's Permit

Mr. Jeff Gatta addressed the board for Insight Cable and requested a Solicitors Permit for their employees to go door to door.

Mr. Denison asked what time period they would want this for.

Mr. Gatta stated that go out every day except holidays from 9:00 a.m. to 8:00 p.m.

Mrs. Garry stated that older members of the community will not open their doors that late especially after the day light savings months when it gets dark earlier.

Mr. Denison asked if they would be opposed to shortening the hours when it gets darker earlier.

Mr. Gatta stated that they would not and explained that all of their employees at Insight have badges that identify them as well as a copy of the permit. He stated that the citizens are more than welcome to ask to see the badges when they come to their doors and if the person is unable to produce this then they are not employees of Insight and they should call the police.

Mr. Malysz made the motion to grant the permit from 9:00 a.m. 8:00 p.m. during daylight savings time and end at 7:00 p.m. during standard time, Ms. Garry second, all voted in favor.

Item #2 - Donna Prunty with Common Wealth Signs re: signage for the YMCA

Mrs. Prunty presented a diagram of the sign that will be on the side of building for the YMCA which will hang over the right of way and asked for the board's permission to hang the sign.

Mr. Malysz asked Mr. Rosenbarger if this had been approved by the Redevelopment Commission up until this point.

Mr. Rosenbarger stated not finally but yes so far.

Mrs. Garry moved to approve the sign as presented subject to the approval of Redevelopment, Mr. Malysz second, all voted in favor.

Item #3 - Ed Snelling re: roadblock for New Albany Elks Lodge for Clothe a Child

(502-639-4305)

Mr. Snelling requested a road block for the New Albany Elks Lodge for Clothe a Child Saturday, May 10 from 9 – 5, at state and Elm and Silver and Spring with a rain Date of June 14.

Mrs. Garry moved to approve, Mr. Malysz second, all voted in favor.

Item #4 - Matt Denison re: Outdoor seating at Joy's Coffee Nook, 419 State Street

Mr. Denison presented a drawing from Joy's Coffee Nook for an out-door seating area for his customers during the summer months. Said drawing is on file with the City Clerk's office.

Mr. Malysz asked if he had a trash receptacle outside.

Mr. Denison said they did not at the moment but they come out and wait on the tables.

Mr. Malysz moved to approve with the stipulation that the furniture would be taken inside after hours and that they provide a trash receptacle during working hours, Mr. Garry second, all voted in favor.

Item #5 - Matt Denison re: approval of Grass Cutting Agreements

Mr. Denison presented two contracts for grass cutting, one from David Michael Seaton and Casey Spertzel d/b/a Southern Indiana Landscaping. He explained that part of the contract stipulates that they must provide insurance to the Controller's office and he thinks that any motions should include that stipulation.

Mr. Malysz asked if they will be used for the tall grass and weeds around town.

Mr. Denison stated that this is the city's grass and weed program for unkempt and unmanaged properties. He stated that Michael Seaton has done this for three years now and he would be the lead contractor. He explained that they did raise the pay rate to \$20.00 an hour.

Mr. Malysz made a motion to be approved as read, Mrs. Garry second, all voted in favor.

OLD BUSINESS:

Item # 1 - Quiet Zone

Mr. Rosenbarger addressed the board regarding the memo he presented to the board. He stated that this is at no cost to the city and the quite zone would be a 24 hour situation. He stated that the city is responsibly for advance signage for the quiet zone to protect their liability. He was told that there are currently only 2 other quiet zones in the State of Indiana.

Mr. Malysz asked what the reach of the quiet zone is.

Mr. Rosenbarger stated that it was E. 5th through E. 15th Streets.

Mr. Malysz stated that west of that it does not apply.

Mr. Denison asked if during events on the riverfront if there was an incident warranting the blowing of the horn.

Mr. Rosenbarger said yes at any time there may be an emergency it would warrant the blowing of the trains whistle

Mr. Malysz made a motion to approve this request with the stipulation of receiving a written memo from the City Attorney regarding what the City’s liability may be and the operations director to develop a specific protocol for the 6th Street crossing during riverfront events, Mrs. Garry second, all voted in favor.

Mr. Denison asked if by approving this today it means they are going to go ahead and send the final request or are they going to hold off for council from Mr. Gibson.

Mr. Malysz stated that they will send it once they hear from Mr. Gibson.

COMMUNICATIONS - CITY OFFICIALS:

Mrs. Garry presented claims for 3/21/08 through 4/17/08 in the total amount of \$3,461,764.52. This amount included the following:

Payroll	\$1,627,849.27
Redevelopment	\$222,003.07
Medical/Drug Claims	\$33,815.13
Sanitation	\$213,740.91
Sewer Utility	\$889,637.49

Mr. Malysz made a motion to approve as submitted, Mrs. Garry second, all voted in favor.

David Hall addressed the board regarding the fact that this is Animal Control Officer Week and he asked that if anyone sees one of his employees this week to wave or tell them thank you for the hard work.

Mr. Malysz asked how many animal control officers he has.

Mr. Hall stated that he has two animal control officers and himself.

Mr. Malysz made a motion to officially commend the work that the Animal Control officers are doing, Mrs. Garry second, all voted in favor.

Mr. Dan Coffey addressed the board regarding a piece of property the City owns on the corner of 7th and Market he stated that there is an old well there that is starting to open up and needs to be addressed. He discussed the cross street of Lone Oak and Broeker and stated that they need something out there because there is a handicapped person there that travels the area and he would like for there to be a sign for handicap person. He stated that in front of Pauline’s there is a sidewalk that has been cracked for many years and it needs to be fixed.

Mr. Malysz asked Mr. Rosenbarger if they are getting a bid for spot repairs and stated that is probably something they could take a look at once they do.

Mr. Denison thanked everyone that helped down at the riverfront during Thunder over Louisville and he stated that they received a letter thanking the City for their help.

Ms. Wisman reminded the police, fire and street departments that the car club postponed their car show until this upcoming weekend.

COMMUNICATIONS – PUBLIC:

Mr. Jim Munford, Silver Grove Neighborhood Association, stated that they appreciate the clean up that is coming up this Saturday at 9:00 a.m. He explained that they are having their 4th annual open house and he has some letters to pass out at the end of the meeting to invite some of the department heads. He presented pictures of areas that need to be addressed in their neighborhood.

Mr. Denison stated that there is a press release ready to go out today announcing that Mayor England wanted them to work with the Neighborhood Associations. This Saturday at 9:00 a.m. they will be working with the Silver Grove and Uptown associations and the next weekend they will be further downtown and work with the S. Ellen Jones and E. Spring Street Associations.

Mr. Maylsz stated that Mayor England wants this to be a seasonal project and that they will work with the neighborhood associations because there is not enough employees to facilitate this cleanup. He explained that they met with Pat Harrison and in the spirit of Earth Day there is a rally to be held at the corner of Spring and Pearl to talk about an “Adopt an Intersection” program.

Ms. Leslie Mudd, 230 Pearl Street, stated that she is living downtown on Pearl Street and she wanted to express her gratitude for the job that they have done in the downtown area but she has no place to park. She stated that she gets home late at night and is not comfortable walking home alone from the different paid lots and she is before the board today to ask for some type of residential parking pass.

Mr. Denison informed her that there is an initial study being done to find out how many residences there are in the downtown area. He stated that they all know there is a need to address both residential and commercial parking in the downtown area but they want to make sure to address it in the correct manner. He explained that he would like for her to stay in touch with the board and work with them as they work to correct these issues.

Mr. David Thomas, 3916 Dunbar, president of the Regulators Club, requested street closing for May 2, 3 and 4 for Derby Weekend. He stated that they do it every year. And June 13th and 14th and July 11th and 12th from 6:00 p.m. until 3:00 a.m. closing stone Street between Galt and 18th .

Mr. Denison stated that they have set a stipulation requesting insurance and for music to be shut off by 12:00 a.m. and asked if this was a problem.

Mr. Thomas stated that would be fine because they could take it to the inside.

Mrs. Garry made a motion to approve the street parties on May 2nd, 3rd, & 4th, June 13th and 14th and July 11th and 12th with the stipulations that the music will no longer be outside after midnight and the that they provide insurance, Mr. Malysz second, all voted in favor.

BIDS:

Mrs. Garry stated that they took bids on surplus property and there was only one bidder, Southern Indiana Disposal Company, and they have already submitted a check for \$23,700.00 for the seven loadal trucks.

Mr. Malysz made a motion to approve, Mrs. Garry second, all voted in favor.

APPROVAL OF MINUTES:

Mrs. Garry moved to approve the April 8th meeting minutes as amended, Mr. Malysz second, all voted in favor.

Mr. Malysz asked Mr. Thompson regarding the pothole issues and asked where that all stands.

Mr. Thompson stated that the calls have slowed down but for the first couple of days they received 40 to 50 calls a day. He explained that they have had two crews out working on this but there have been a few days that they could not fill the holes because of the weather.

Mr. Malysz stated that if anyone sees any problems to inform Mr. Thompson. He stated that he spoke with Nathan Grimes who informed him that he is 50% finished with the street evaluation.

The meeting recessed for 5 minutes at 10:58 a.m.

Mr. Denison reconvened the meeting at 11:09 a.m. for the Remonstrance hearing for the Daisy Lane project Phase II. He asked Mr. Rosenbarger to give them information on where it stands today.

Mr. Rosenbarger stated that at the last Board of Works meeting they approved the amounts of the awards for the 8 parcels needed to complete this project. He stated that there is an Executive Session set for Thursday at 1:30 p.m. to talk to their attorney and take all the comments under consideration.

Mr. Malysz asked who the appraisers where and what were their credentials.

Mr. Rosenbarger stated that it was Government Appraisal Services and the person heading it up was Jim Biggs who is very experienced and INDOT certified.

Mr. Denison asked what the procedure was for this process and if they receive one or two appraisals.

Mr. Rosenbarger stated that it could be either one or two depending on the values but each parcel is appraised individually.

Mr. Malysz asked if these individuals who did the appraisals are certified as MAI.

Mr. Rosenbarger stated that he did not know that for a fact but they do have certification for right-of-way through INDOT

Mr. Dan Coffey on behalf 220, 228 and 310 of Daisy Lane and the Redevelopment, he stated that at any time you have to use imminent domain it is a difficult situation. He stated that he has a problem with the city not using local people for contract work. He then stated that there are several houses that will totally lose the value of their homes. He stated that on the other end of Daisy Lane they purchased a home of a City Employee but they are only offering this gentleman \$18,000 for his property and this is going to ruin his home. He hopes that they will table this issue until they can get this situation cleared up. He does not believe that some of these appraisals are fair.

Mr. Jeff Thomas, 220 W. Daisy Lane, stated that his house is one that is being blasted away. He explained that he is not opposed to the project because it has been needed for several years, but it is his home that will be destroyed by this project. He stated that he does not feel that what he is being offered compensates him for what is being taken.

Mr. Malysz asked him if he has submitted a counter offer with an appraisal to back that up.

Mr. Thomas stated that he had.

Mr. Charles Murphy, attorney on behalf of Dr. Chaudry, stated that they do not have a problem with the offer that was first given to them for 403 W. Daisy parcel number 5, but he does have an issue with the offer made for the Hoosier lanes property. He stated that they will be losing 6 parking places and they do not feel that sufficient compensation is being offered for what is being taken. He stated that they are willing to negotiate this further with the city.

Mr. Malysz asked if he has had an appraisal for this property.

Mr. Murphy stated that he has not received that yet because Mr. Primavera needed to check with Mr. Schellenberg what property is being taken and the next step is to find out what effects this will have and they will get that done as soon as possible.

Mr. Malysz stated that he feels that the board needs to give them a period of time to get this

Mr. Denison stated that for the record Dan Coffey was here on behalf of the redevelopment commission as well and Mr. Eddie Hancock was also in attendance.

Greg Andres owns property at the corner of Daisy Lane and State Street and he has submitted a counter offer and he hopes to maintain a working relationship with the City.

Mr. Malysz asked for confirmation that the City has received counter-offers from all the people who have talked here today.

Mr. Rosenbarger stated that they have something in writing for all but number 23 of _____ but they have that one verbally. He asked if he could speak to the thirty day issue explaining that the problem becomes the utility phase to relocate all of the utilities. Duke Energy stated that if they do not take possession of the right-of-way then they do not order the materials for the relocation.

Mr. Malysz asked for clarification that the process is that they establish a taking on what date or event.

Mr. Rosenbarger stated next week at the Board of Works after considering remonstrance or whatever else is pertinent and setting the amounts. After that any owner has 20 days to file an appeal in a local court to appeal the amount

Mr. Malysz asked Mr. Murphy if they could get this to them earlier.

Mr. Murphy stated that he could advise his client that taking is going to take place and he could agree to the taking without having to agree to the money so the process can get started.

Mr. Malysz stated that as a member of the board of works he would like to be able to do this without going into court and he has heard similar positions from other members of the commission.

Mr. Eddie Hancock, 818 Castlewood Drive, stated that they want to negotiate without having to go to court and negotiate outside of that and he would suggest postponing this until everyone is ready to sit down and discuss it.

Mr. Andres stated that speaking for himself he feels that the City and Jacobi Toombs and Lamb have given them plenty of time to renegotiate these offers.

Mr. Malysz stated that he agrees with him, but at the same time he understands what the gentlemen from Redevelopment are saying about giving them more time to get things resolved.

Mr. Coffey stated that they are having a special meeting next week and he doesn't see why that they can't all meet together to discuss this.

Mr. Malysz stated that there is already an executive session this Thursday.

There was a lengthy discussion regarding when would be the best time for the two boards to get together to discuss the negotiated amounts for the right of ways.

ADJOURN:

There being no further business before the board, the meeting adjourned at 11:35 a.m.

Matthew Denison, President

Marcey Wisman, City Clerk